APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): April 16, 2008.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: **Seattle District,** Leenstra, Fred, NWS-2003-0878-NO..
Name of water being evaluated on this JD form: Wetlands

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Washington County: King City: Pacific
Center coordinates of site (lat/long in degree decimal format): Lat: 47.2624 **N**, Long: -122.263 **W**
Universal Transverse Mercator: .
Name of nearest waterbody: White River.
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Puyallup River.
Name of watershed or Hydrologic Unit Code (HUC): 17110014.
☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List other JDs: _____

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☒ Office (Desk) Determination. Date: April 16, 2008.
☐ Field Determination. Date(s): _____.

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]
☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: _____.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
      ☐ TNWs, including territorial seas
      ☐ Wetlands adjacent to TNWs
      ☒ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
      ☐ Non-RPWs that flow directly or indirectly into TNWs
      ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
      ☐ Impoundments of jurisdictional waters
      ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
      Non-wetland waters: _____ linear feet _____ width (ft) and/or _____ acres.
      Wetlands: ~0.51 acres.

   c. **Limits (boundaries) of jurisdiction** based on: **1987 Delineation Manual.** and **Pick List**
      Elevation of established OHWM (if known): _____.

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   ☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   Explain: _____.

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs – NOT APPLICABLE

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS – NOT APPLICABLE

C. SIGNIFICANT NEXUS DETERMINATION – NOT APPLICABLE

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

2. RPWs that flow directly or indirectly into TNWs.

☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide rationale indicating that tributary flows perennial: Flow was observed in ditch in late November 2007 and early April 2008. Describe flow path to a TNW: The RPW ditch flows 3.5 miles into the White River. The White River flows 5.5 into the Puyallup River, a desinated traditional navigable water of the United States.

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: _____ linear feet _____width (ft).
☐ Other non-wetland waters: _____ acres.
Identify type(s) of waters: _____.

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☒ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: Wetlands on subject property are directly abutting the ditch, a RPW. See attached photographs.

Provide acreage estimates for jurisdictional wetlands in the review area: **approximately 0.51** acres.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): NOT APPLICABLE

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: NOT APPLICABLE

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: _____.
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps: _____.
☒ Corps navigable waters' study: _____.
☐ U.S. Geological Survey Hydrologic Atlas: _____.
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☐ U.S. Geological Survey map(s). Cite scale & quad name: _____
☐ USDA Natural Resources Conservation Service Soil Survey. Citation: _____.
☐ National wetlands inventory map(s). Cite name: _____.
☐ State/Local wetland inventory map(s): _____
☐ FEMA/FIRM maps: _____.
☐ 100-year Floodplain Elevation is: _____ (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☐ Aerial (Name & Date): _____
or ☒ Other (Name & Date): Leenstra Property, dated 4-11-08.
☐ Previous determination(s). File no. and date of response letter: _____.
☐ Applicable/supporting case law: _____.
☐ Applicable/supporting scientific literature: _____.
☐ Other information (please specify): _____.

B. ADDITIONAL COMMENTS TO SUPPORT JD: Per the data provided in the Chad Armour, LLC, Wetland Assessment, dated April 2, 2008, the subject property wetland is abutting a relatively permanent water (RPW). The wetland is therefore under Clean Water Act jurisdiction under the "plurality decision" per the Rapanos Guidance. No further coordination or significant nexus analysis is required. This determination servies as notification that the subject property wetlands are regulated. In the absence of a wetland delination map, we are unable to confirm wetland boundaries. Based on Mr. Armour's data and off-site observations on April 11, 2008, the majority of the

property meets wetland criteria per the 1987 Corps of Engineers Wetland Delineation Manual. Approximately 90% of the site is mapped within a Mukilteo Muck hydric soil formation. Data recorded in September 2007 indicates the soil was saturated to the surface in SP1 and SP2. SP 3 was not saturated, however, in September high groundwater conditions are significantly lower than would be expected in the early part of the growing season (February - March). Mr. Armour provided no explanation as to why SP1 and SP2 were saturated and SP3 was not. We would likely require additional information to determine the wetland boundaries on the subject property..